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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/760,271	01/12/2001	David N. Harris	0013-011P1	2653
40972	7590	12/15/2005		
HENNEMAN & SAUNDERS 714 WEST MICHIGAN AVENUE THREE RIVERS, MI 49093			EXAMINER ALVAREZ, RAQUEL	
			ART UNIT	PAPER NUMBER
			3622	
DATE MAILED: 12/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/760,271

Applicant(s)

HARRIS, DAVID N.

Examiner

Raquel Alvarez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 6/14/2005.
2. Claims 1-36 are presented for examination.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 1-36 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-12, 14-28, 30-44 and 46-54 of copending Application No. 09/617,361. The copending application further recites a third party for verifying the approval of the transactions. Official notice is taken that is old and well known for companies to delegate and appoint /use a third party or an intermediary to conduct certain functions for the companies. It would have been obvious for a person of ordinary skill in the art at the time of Applicant's invention to have included a third party for verifying the approval of the transactions because such a modification would allow the companies/vendors to concentrate on the other aspects of the transactions. This is

a provisional double patenting rejection since the conflicting claims have not yet been patented.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-36 are rejected under 35 U.S.C. 102(b) as being anticipated by blonder et al. (5,708,422 hereinafter Blonder).

Blonder teaches a computer system and corresponding computer method for verifying a commercial transaction comprising. A processing unit for processing data and code and a memory unit for storing data and code which includes a merchant communications module to connect with the merchant for receiving a transaction approval request (Figure 1, col. 2, lines 60-65; col. 4, lines 55-65, col. 5, lines 5-10), data including at least one pre-verification criteria associated with the account holder (figure 3), and code further including an authorization module responsive to the transaction approval request to compare the request with the pre-verification criteria and to verify the request if the criteria is satisfied (Figure 3). Blonder also teaches a plurality of verification criteria are satisfied (Figure 3), the criteria are determined by the account holder (Figure 3), receive and establish a connection with

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the account holder, authenticate the account holder, present at least one criteria to the account holder, and receive modification instructions from the account holder (col. 7, lines 65 to col. 9, line 30), the pre-verification criteria includes at least one merchant identifier (Figure 9) for comparing and verifying the merchant associated with the transaction, the pre-verification criteria includes a maximum purchase price (Figure 9) for comparison and verification of the transaction; criteria include a begin and end date for comparison and verification of the transaction (Figure 9); to verify said transaction approval request if said at least one pre-verification criteria is satisfied (i.e. verifying that the transaction approval request and the pre-verification criteria are matched and satisfied)(Figure 3); to verify said transaction approval request with said account holder if said at least one pre-verification criteria is not satisfied (i.e. if pre-verification is not satisfied then contacting the customer for approval (see figure 1, 135).

Response to Arguments

6. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

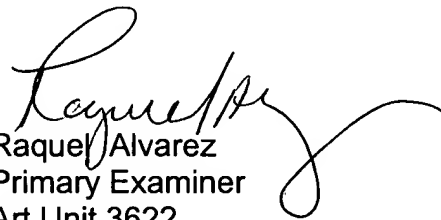
Point of contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric w. Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Raquel Alvarez
Primary Examiner
Art Unit 3622

R.A.
12/8/2005